

**State of California, Court of Appeal
Fourth Appellate District, Division 3
January 26, 2009**

Court convened at 9:30 a.m. in the courtroom located at 925 N. Spurgeon Street, Santa Ana, California 92701. Panel members are Bedsworth, Acting P.J., O’Leary, J., Aronson, J., Fybel, J. and Ikola, J. Toni Cajigal deputy clerk attending.

G039234 RACHEL BERGER
 v.
 MARC BERGER

Merits. Cause called. Marjorie G. Fuller argued for appellant. Steven E. Briggs argued for respondent. Cause submitted.

G039919 HEATHER HASSO
 v.
 HELENE HASSO

Merits. Cause called. Michael DeVries argued for appellant. Roger Rosen argued for respondent. Cause submitted.

G039354 PHILLIP SZANTO
 v.
 PETER SZANTO

Merits. Cause called. Appellant Peter Szanto argued in pro pria persona. Robert S. Lewin argued for respondent. Cause submitted.

G037316 JERRY SCHULMAN et al.
 v.
 ROBERT MCGINLEY ET AL.

Merits. Cause called. John L. Dodd argued for appellants. Jonathan D. Jay argued for respondent. Cause submitted.

G038984 APPLERA CORPORATION
 v.
 MP BIOMEDICALS, LLC

Merits. Cause called. Allison Arabian argued for appellant. Stephen L. Porter argued for respondent. Cause submitted.

**State of California, Court of Appeal
Fourth Appellate District, Division 3
January 26, 2009 (cont'd)**

G039285 SUSAN HERRON
 v.
 JACK HERRON

Merits. Cause called. Frances L. Diaz argued for appellant. Steven E. Briggs argued for respondent. Cause submitted.

Court declared a recess.

**State of California, Court of Appeal
Fourth Appellate District, Division 3
January 26, 2009 (cont'd)**

Court reconvened at 1:30 p.m. in the courtroom located at 925 N. Spurgeon Street, Santa Ana, California 92701. Panel members are Sills, P. J., Rylaarsdam, J., O'Leary, J., and Aronson, J. Toni Cajigal deputy clerk attending.

G040227 CRAIG JOHNSON
v.
SUPERIOR COURT; THE PEOPLE

Merits. Cause called. Darren L. Thompson, Deputy Public Defender argued for petitioner. Craig McKinnon, Deputy District Attorney argued for real party in interest. Cause submitted.

G038378 RICHARD CURNUTTE
& v.
G039720 BARBARA FISLER

Merits. Cause called. Marjorie G. Fuller argued for cross appellant and respondent. Thomas Elenbaas argued for respondent and cross appellant. Cause submitted.

G039954 DAVID CHRISTAKES
v.
ROBERT EKSTROM et al.

Merits. Cause called. Jeffrey Lewis argued for appellants. H. James Keathley argued for respondent. Cause called.

G040477 DONGJIN SEMICHEM COMPANY
v.
EMAILFUND, INC. a CALIFORNIA CORPORATION

Merits. Cause called. John G. Burgee argued for appellant. Debra Healy Deem argued for respondent. Cause submitted.

**State of California, Court of Appeal
Fourth Appellate District, Division 3
January 26, 2009 (cont'd)**

G039716 DAEHNKE & CRUZ
 v.
 STEVEN FINK et al.

Merits. Cause called. Stephen E. Abraham argued for appellant. Vangi M. Johnson argued for respondents. Cause submitted.

G040033 PATRICK CROSBY
 v.
 SOUTH ORANGE COUNTY COMMUNITY COLLEGE

Merits. Cause called. Appellant Patrick Crosby argued in pro pria persona. David A. Urban argued for respondent. Cause submitted.

G039923 TED CHRISTENSEN et al.
 &
G040103 WILLIAM SMITH

Merits. Cause called. Gerald N. Shelley argued for appellants. Michael G. Dawe argued for respondent. Cause submitted.

Court declared a recess.

**State of California, Court of Appeal
Fourth Appellate District, Division 3
January 26, 2009 (cont'd)**

G038274	SHAKEEL MUSTAFA	Not for publication
	v.	
& G038642	SPRINT/UNITED MANAGEMENT COMPANY et al.	

Opinion filed. The judgment and postjudgment orders are affirmed in part and reversed in part.

SILLS, P. J.

We concur: ARONSON, J.
FYBEL, J.

G039186	THE PEOPLE	Certified for publication
	v.	
	STEVEN DANIEL FORCE	

Opinion filed. The judgment is affirmed.

RYLAARSDAM, J.

We concur: SILLS, P. J.
O'LEARY, J.

G039573	THE PEOPLE	Not for publication
	v.	
	ALYSON HEMME	

Opinion filed. The judgment is affirmed.

RYLAARSDAM, ACTING P. J.

We concur: O'LEARY, J.
IKOLA, J.

**State of California, Court of Appeal
Fourth Appellate District, Division 3
January 26, 2009 (cont'd)**

G039828 In re JAMES ROCKERS Not for publication
 On Habeas Corpus

Opinion filed. The petition is granted.

O'LEARY, J.

We concur: RYLAARSDAM, ACTING P. J.
 IKOLA, J.

G040113 BOARD OF TRUSTEES OF Not for publication
 FULLERTON JOINT UNION HIGH
 SCHOOL DISTRICT
 v.
 COMMISSION ON PROFESSIONAL
 COMPETENCE et al.

Opinion filed. The judgment is reversed and remanded.

SILLS, P. J.

We concur: RYLAARSDAM, J.
 FYBEL, J.

G041179 J. L. et al.
 v.
 SUPERIOR COURT; ORANGE COUNTY
 SOCIAL SERVICES AGENCY et al.

Order filed. Pursuant to C.R.C. rule 8.452(h)(2), the above entitled cause is deemed submitted January 26, 2009.

SILLS, P. J.

**State of California, Court of Appeal
Fourth Appellate District, Division 3
January 27, 2009**

Court reconvened at 9:30 a.m. in the courtroom located at 925 N. Spurgeon Street, Santa Ana, California 92701. Panel members are Sills, P. J., Rylaarsdam, J., Moore, J., Fybel, J. and Ikola, J. Denise Massey deputy clerk attending.

G040605 LAURENCE GREENBERG
 v.
 SUPERIOR COURT; DENISE SMITH ET AL.

Merits. Cause called. Joel B. Douglas argued for petitioner. Barry B. Novack argued for real parties in interest. Cause submitted.

G040679 DANIEL LOPEZ
 v.
 SUPERIOR COURT; THE PEOPLE

Merits. Cause called. Lyly Brantley argued for petitioner. Grace Parsons, Deputy District Attorney argued for The People. Cause submitted.

G039287 SHAHRAM MANIGHALAM
 v.
 PACIFIC BELL TELEPHONE COMPANY ET AL.

Merits. Cause called. Derek L. Tabone argued for appellant. J. Scott Paisley argued for respondents. Cause submitted.

Court declared a recess.

**State of California, Court of Appeal
Fourth Appellate District, Division 3
January 27, 2009 (cont'd)**

Court reconvened at 1:30 p.m. in the courtroom located at 925 N. Spurgeon Street, Santa Ana, California 92701. Panel members are Sills, P. J., Rylaarsdam, J., Aronson, J. and Fybel, J. Toni Cajigal deputy clerk attending.

G040503 ORANGE COUNTY SOCIAL SERVICES AGENCY
 & v.
G040812 N.I.

Merits. Cause called. Lori A. Fields argued for appellant in case number G040503. John L. Dodd argued for appellant in case number G040812. Julie Agin, Deputy County Counsel argued for respondent. Cause submitted.

G040558 ORANGE COUNTY SOCIAL SERVICES AGENCY et al.
 & v.
G040769 R.C.

Merits. Cause called. Kate M. Chandler argued for appellant. Aurelio Torre, Jr., Deputy County Counsel argued for respondent Social Services Agency. Merrill Lee Toole argued for respondent. Cause submitted.

G039775 HARWOOD CAPITAL, INC.
 v.
 PETROMINERALS CORPORATION

Merits. Cause called. Nicholas W. Hornberger argued for appellant. Mark N. Mazda argued for respondent. Cause submitted.

G037553 THE PEOPLE
 v.
 CHRISTOPHER DIEP et al.

Merits. Cause called. Michael B. McPartland argued for appellant Kha Dinh Tran. William J. Kopeny argued for appellant Christopher Diep. Angela Borzachillo, Deputy Attorney General argued for respondent. Cause submitted.

Court declared a recess.

**State of California, Court of Appeal
Fourth Appellate District, Division 3
January 27, 2009 (cont'd)**

G038788 THE PEOPLE Not for publication
v.
VICTOR HUGO HERRERA-DOMINGUEZ
and JESUS IBARRA BUENO

Opinion filed. The judgment is affirmed.

BEDSWORTH, ACTING P. J.

We concur: O'LEARY, J.
 MOORE, J.

G039377 THE PEOPLE Not for publication
v.
ROBERT SPENCER

Opinion filed. The judgment is affirmed.

IKOLA, J.

We Concur: SILLS, P. J.
 MOORE, J.

G039391 THE PEOPLE
v.
MARK LEE CUMMINGS,

Order filed. Pursuant to C.R.C., rule 8.256(e)(1), submission of the above matter is hereby vacated and the cause resubmitted as of this date for the period allowed by law. The issues raised require additional time for the preparation of the court's opinion. (C.R.C., rule 8.256(e)(1).)

SILLS, P. J.

We concur: ARONSON, J.
 FYBEL, J.

**State of California, Court of Appeal
Fourth Appellate District, Division 3
January 27, 2009 (cont'd)**

G040591 CLUNIES A HOLT et al.
v.
SUPERIOR COURT; TIMOTHY HARRIS et al.

Order filed. Order modifying the opinion and denying petition for rehearing; no change in judgment.

IKOLA, J.

We concur: SILLS, P. J.
FYBEL, J.

**State of California, Court of Appeal
Fourth Appellate District, Division 3
January 28, 2009**

G036899 THE PEOPLE Not for publication
v.
FERMIN VARGAS

Opinion filed. The judgment is affirmed.

IKOLA, J.

We concur: O'LEARY, Acting P.J.
ARONSON, J.

G039301 In re RICHARD LEE SMITH Not for publication
on Habeas Corpus

Opinion filed. Petition denied in part and granted in part.

RYLAARSDAM, J.

We concur: SILLS, P.J.
ARONSON, J.

G039810 THE PEOPLE
v.
QUENTIN TODD VERNON

Order filed. The above entitled cause is ordered submitted this date.

SILLS, P.J.

**State of California, Court of Appeal
Fourth Appellate District, Division 3
January 28, 2009 (cont'd)**

G039923 TED E. CHRISTENSEN et al. Not for publication
Consol. v.
With WILLIAM W. SMITH, Jr.
G040103

Opinion filed. The judgment is affirmed.

ARONSON, J.

We concur: RYLAARSDAM, ACTING P.J.
O'LEARY, J.

G040377 In re ANTONIO DE JESUS NUNEZ
on Habeas Corpus

Order filed. Pursuant to California Rules of Court, rule 8.256(e)(1), submission of the above matter is hereby vacated and the cause resubmitted as of this date for the period allowed by law.

BEDSWORTH, Acting P.J.

We concur: ARONSON, J.
IKOLA, J.

G040388 ROSE STAROW Not for publication
v.
GARY STEIN

Opinion filed. Reversed and remanded.

MOORE, J.

We concur: SILLS, P.J.
O'LEARY, J.

**State of California, Court of Appeal
Fourth Appellate District, Division 3
January 29, 2009**

G038524 THE PEOPLE Not for publication
 & v.
G039531 JAY RICHARD SETTANNI

Opinion filed. The petition for writ of habeas corpus is granted. The appeal is dismissed.

SILLS, P. J.

We concur: RYLAARSDAM, J.
 IKOLA, J.

G039398 THE PEOPLE
 v.
 JOSE M. ORENDAYN

Order filed. Pursuant to rule 8.256(e)(1) of the C.R.C. the prior submission of this matter is vacated and the cause hereby resubmitted as of this date for a period of 30 days.

RYLAARSDAM, ACTING P.J.

We concur: O'LEARY, J.
 MOORE, J.

G039376 THE PEOPLE Not for publication
 v.
 IRA E. NESBITT

Opinion filed. The judgment is affirmed.

SILLS, P. J.

We concur: RYLAARSDAM, J.
 ARONSON, J.

**State of California, Court of Appeal
Fourth Appellate District, Division 3
January 29, 2009 (cont'd)**

G039517 DARLEEN N. FARAGALLI Not for publication
 v.
 GEORGE B. FARAGALLI

Opinion filed. The order is affirmed.

ARONSON, J.

We concur: BEDSWORTH, ACTING P. J.
 MOORE, J.

G039631 In re HARVEY DAVIS Not for publication

Opinion filed. The petition is granted.

IKOLA, J.

We concur: SILLS, P. J.
 RYLAARSDAM, J.

G039710 THE PEOPLE Not for publication
 v.
 FELIX GONZALEZ

Opinion filed. The judgment is affirmed.

BEDSWORTH, ACTING P. J.

We concur: O'LEARY, J.
 FYBEL, J.

**State of California, Court of Appeal
Fourth Appellate District, Division 3
January 29, 2009 (cont'd)**

G039778 LETICIA RIOS

v.

INTERNATIONAL SEAL COMPANY, INC.

Order filed. Pursuant to C.R.C., rule 8.256(e)(1), submission of the above entitled matter is hereby vacated because the panel has a number of questions which require further briefing, and to give the parties the opportunity to provide that briefing. The case will be resubmitted as of Friday, March 27, 2009 for the period allowed by law.

SILLS, P. J.

We concur: ARONSON, J.
FYBEL, J.

G040051 PAUL A. MENKE

Not for publication

v.

CHRISTIAN TODD FISHER

Opinion filed. The petition is denied.

RYLAARSDAM, J.

We concur: SILLS, P. J.
IKOLA, J.

G040055 JOHN FOX et al.

Not for publication

v.

DADSON WASHER SERVICE, INC.

Opinion filed. The order is affirmed.

BEDSWORTH, J.

We concur: SILLS, P. J.
FYBEL, J.

**State of California, Court of Appeal
Fourth Appellate District, Division 3
January 29, 2009 (cont'd)**

G040213 MARK DRENNER Not for publication
v.
CITY OF ORANGE et al.
OLD TOWNE PRESERVATION ASSOCIATION

Opinion filed. The judgment is affirmed.

ARONSON, J.

We concur: RYLAARSDAM, ACTING P. J.
FYBEL, J.

G040306 THE PEOPLE Not for publication
v.
JASON ALLAN MARKLEY

Opinion filed. The judgment is affirmed.

MOORE, J.

We concur: RYLAARSDAM, ACTING P. J.
IKOLA, J.

G040490 THE PEOPLE Not for publication
v.
ANTONIO T. BARFIELD

Opinion filed. The judgment is affirmed as modified.

BY THE COURT

Before Sills, P.J., Moore, J. and Fybel, J.

G040530 THE PEOPLE
v.
DONALD E. SHELTON

Order filed. The above entitled cause is ordered submitted this date.

SILLS, P. J.

**State of California, Court of Appeal
Fourth Appellate District, Division 3
January 29, 2009 (cont'd)**

G040539 THE PEOPLE Not for publication
v.
MARMENA N. SHENOUDA

Opinion filed. The judgment is affirmed as modified.

BY THE COURT

Before Sills, P. J., Moore, J. and Fybel, J.

**State of California, Court of Appeal
Fourth Appellate District, Division 3
January 30, 2009**

G035266 THE PEOPLE
 v.
 TIMMY MICHAEL GIFFIN

Order filed. Pursuant to rule 8.256(e)(1) of the California Rules of Court, Submission of the above entitled matter is vacated so as to permit the parties To submit supplemental briefing as requested herein.

O'LEARY, Acting P.J.

We concur: MOORE, J.
 IKOLA, J.

G037316 JERRY SHULMAN et al. Not for publication
 v.
 ROBERT L. MCGINLEY et al.

Opinion filed. The judgment is affirmed.

ARONSON, Acting P.J.

We concur: FYBEL, J.
 IKOLA, J.

G037997 THE PEOPLE Not for publication
 v.
 RAYMOND DWIGHT GRAHAM,
 DASHAWN GRAHAM, WYRON
 JEROME OARD, JOHNNY LEE
 THOMAS

Opinion filed. Affirmed in part and reversed in part and remanded.

RYLAARSDAM, Acting P.J.

We concur: FYBEL, J.
 IKOLA, J.

G038365 KENNETH BRUCE BINNS
v.
WESTMINSTER MEMORIAL PARK

BEDSWORTH, Acting P.J.

G038928 THE PEOPLE Not for publication
v.
PRINCE EDWARD MARYLAND

FYBEL J.

G039666 THE PEOPLE Not for publication
v.
MARTIN GUADARRAMA

IKOLA, J.

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**State of California, Court of Appeal
Fourth Appellate District, Division 3
January 30, 2009 (cont'd)**

G040037 In re the Marriage of AMANDA I. Not for publication
 and CARLOS R. GONZALEZ
 AMANDA I. GONZALEZ
 v.
 CARLOS R. GONZALEZ

Opinion filed. Affirmed in part and reversed in part.

FYBEL, J.

We concur: SILLS, P.J.
 ARONSON, J.

G040104 In re BABY BOY,
 ORANGE COUNTY SOCIAL
 SERVICES AGENCY
 v.
 MARK L.;
 KRISTEN B.;
 COLETTE D.;
 BABY BOY

Order filed. Pursuant to rule 8.256(e)(1), California Rules of Court, submission
Of the above matter is hereby vacated and the cause resubmitted as of this date for
the period allowed by law.

SILLS, P.J.

We concur: ARONSON, J.
 FYBEL, J.

**State of California, Court of Appeal
Fourth Appellate District, Division 3
January 30, 2009 (cont'd)**

G040130 LINDA BAK et al. Certified for publication
 v.
 MCL FINANCIAL GROUP,
 INC., et al.;
 THEODORE C. PETERS

Opinion filed. The judgment is affirmed.

RYLAARSDAM, Acting P.J.

We concur: ARONSON, J.
 FYBEL, J.

G040508 In re JULAIN S., Not for publication
 ORANGE COUNTY SOCIAL
 SERVICES AGENCY
 v.
 LYNN L.

Order filed. Order modifying opinion; No change in judgment.

MOORE, J.

We concur: BEDSWORTH, Acting P.J.
 ARONSON, J.

G040827 THE PEOPLE Not for publication
 v.
 DUNG QUOC LE

Opinion filed. The appeal is dismissed.

ARONSON, J.

We concur: SILLS, P.J.
 FYBEL, J.